

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

EIGHTY-SEVENTH LEGISLATIVE DAY
WEDNESDAY, APRIL 6, 2005

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Andreason and Gannon, absent and formally excused by the Chair; and Senators Burkett, Little, Pearce, Schroeder, and Stennett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Sam Vanderwall, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 5, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Little was recorded present at this order of business.

April 5, 2005

The JUDICIARY AND RULES Committee reports that **S 1158**, as amended, as amended in the House, has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1158**, as amended, as amended in the House, and ordered it transmitted to the House for the signature of the Speaker.

April 6, 2005

The FINANCE Committee reports out **H 361**, **H 362**, and **H 392** with the recommendation that they do pass.

CAMERON, Chairman

H 361, **H 362**, and **H 392** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

Senators Burkett and Stennett were recorded present at this order of business.

April 5, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1174, S 1221, S 1222, S 1223

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

April 5, 2005

Mr. President:

I transmit herewith Enrolled **H 386**, as amended in the Senate, as amended in the Senate, **HCR 28**, **H 395**, **H 396**, and **H 397** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 386**, as amended in the Senate, as amended in the Senate, **HCR 28**, **H 395**, **H 396**, and **H 397**, and ordered them returned to the House.

April 5, 2005

Mr. President:

I return herewith Enrolled **S 1171**, as amended, **S 1173**, as amended, **S 1191**, as amended, **S 1235**, **S 1236**, **S 1237**, **S 1238**, **SCR 119**, **SJM 111**, and **SJM 112** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1171**, as amended, **S 1173**, as amended, **S 1191**, as amended, **S 1235**, **S 1236**, **S 1237**, and **S 1238** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SCR 119**, **SJM 111**, and **SJM 112** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

Senators Pearce and Schroeder were recorded present at this order of business.

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **H 254**, as amended in the Senate, without amendment and without recommendation, and **H 150** without recommendation, amended as follows:

SENATE AMENDMENT TO H 150 AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 9 through 35; and in line 36, delete "SECTION 2" and insert: "SECTION 1".

CORRECTION TO TITLE

On page 1, in line 2, delete "54-3604,"; delete lines 3 and 4; and in line 5, delete "MAKE TECHNICAL CHANGES; AND AMENDING SECTION".

The Committee also has **H 202** and **S 1172** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Malepeai, the report was adopted by voice vote.

H 150, as amended in the Senate, was filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

H 254, as amended in the Senate, was returned to the Thirteenth Order of Business, Third Reading of Bills.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, **H 254**, as amended in the Senate, was placed at the head of the Third Reading Calendar.

H 254, as amended in the Senate, having previously been read the third time at length, and debate having previously been opened, was before the Senate for final consideration. Senator Corder arose as sponsor of the bill and reopened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Hill disclosed a possible conflict of interest under applicable law and requested to be excused from voting on **H 254**, as amended in the Senate. His request was granted by unanimous consent.

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Corder, Darrington, Davis, Fulcher (Fulcher), Geddes, Goedde, Keough, Langhorst, Lodge, Malepeai, Marley, McKenzie, Pearce, Richardson, Sweet, Williams. Total - 21.

NAYS--Burkett, Coiner, Compton, Jorgenson, Kelly, Little, McGee, Schroeder, Stegner, Stennett, Werk. Total - 11.

Excused from voting--Hill. Total - 1.

Absent and excused--Andreason, Gannon. Total - 2.

Total - 35.

Whereupon the President declared **H 254**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

April 6, 2005

The JUDICIARY AND RULES Committee reports that Senate amendments to **H 150** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

H 150, as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills**Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 150**, as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 150**, as amended in the Senate, was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 150, as amended in the Senate, was read the second time by title by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Andreason, Gannon. Total - 2.

Total - 35.

Whereupon the President declared **H 150**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

April 6, 2005

Mr. President:

I transmit herewith Enrolled **H 400** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 400** and ordered it returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 373, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 32.

NAYS--Werk. Total - 1.

Absent and excused--Andreason, Gannon. Total - 2.

Total - 35.

Whereupon the President declared **H 373**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 374, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Brandt. Total - 1.

Absent and excused--Andreason, Gannon. Total - 2.

Total - 35.

Whereupon the President declared **H 374**, as amended, passed, title was approved, and the bill ordered returned to the House.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:10 p.m. until the hour of 1 p.m. of this day.

**RECESS
AFTERNOON SESSION**

The Senate reconvened at 1 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Andreason and Gannon, absent and formally excused by the Chair; and Senators Burkett, Richardson, and Sweet, absent and excused.

Prior to recess the Senate was at the Thirteenth Order of Business, Third Reading of Bills.

Senators Burkett, Richardson, and Sweet were recorded present at this order of business.

H 394 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Brandt. Total - 1.

Absent and excused--Andreason, Gannon. Total - 2.

Total - 35.

Whereupon the President declared **H 394** passed, title was approved, and the bill ordered returned to the House.

H 399 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 29.

NAYS--Burkett, Kelly, Langhorst, Werk. Total - 4.

Absent and excused--Andreason, Gannon. Total - 2.

Total - 35.

Whereupon the President declared **H 399** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

April 6, 2005

Mr. President:

I transmit herewith **H 401**, **HCR 29**, and **H 402** which have passed the House.

JUKER, Chief Clerk

H 401, **HCR 29**, and **H 402** were filed for first reading.

April 6, 2005

Mr. President:

I return herewith **S 1183**, as amended in the House, which has passed the House.

JUKER, Chief Clerk

On request by Senator Stegner, granted by unanimous consent, **S 1183**, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

April 6, 2005

Mr. President:

I return herewith **S 1239** and **S 1240** which have passed the House.

JUKER, Chief Clerk

S 1239 and **S 1240** were referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the House amendments to **S 1183**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1183**, as amended in the House?"

On request by Senator Stegner, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1183**, as amended in the House.

S 1183, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

HCR 29, by Ways and Means Committee, was introduced, read at length, and referred to the State Affairs Committee.

H 401 and **H 402**, by Ways and Means Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

April 6, 2005

The JUDICIARY AND RULES Committee reports that **S 1183**, as amended in the House, has been correctly engrossed.

DARRINGTON, Chairman

S 1183, as amended in the House, was filed for first reading.

April 6, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **S 1171**, as amended, **S 1173**, as amended, **S 1191**, as amended, **S 1235**, **S 1236**, **S 1237**, and **S 1238** were delivered to the Office of the Governor at 1:35 p.m., April 6, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 6, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 119**, **SJM 111**, and **SJM 112** were delivered to the Office of the Secretary of State at 10:16 a.m., April 6, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 6, 2005

The STATE AFFAIRS Committee reports out **HCR 29**, **H 401**, and **H 402** with the recommendation that they do pass.

BURTENSHAW, Chairman

HCR 29 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

H 401 and **H 402** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

April 6, 2005

Mr. President:

I return herewith Enrolled **S 1158**, as amended, as amended in the House, which has been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1158**, as amended, as amended in the House, was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of the **HCR 29** were suspended and the resolution was placed before the Senate for consideration at this time. The question being, "Shall the resolution be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Stennett, **HCR 29** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1183, as amended in the House, by State Affairs Committee, was read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 401** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 401** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 401 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Andreason, Gannon. Total - 2.

Total - 35.

Whereupon the President declared **H 401** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 402** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 402** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 402 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Andreason, Gannon. Total - 2.

Total - 35.

Whereupon the President declared **H 402** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1183**, as amended in the House, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1183**, as amended in the House, was read the second time by title and the third time at length, section by section, and put upon its final passage.

S 1183, as amended in the House, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 30.

NAYS--Brandt, Pearce, Williams. Total - 3.

Absent and excused--Andreason, Gannon. Total - 2.

Total - 35.

Whereupon the President declared **S 1183**, as amended in the House, passed, title was approved, and the bill referred to the Judiciary and Rules Committee for enrolling.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 361** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 361** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 361 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Andreason, Gannon. Total - 2.

Total - 35.

Whereupon the President declared **H 361** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 362** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 362** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 362 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Andreason, Gannon. Total - 2.

Total - 35.

Whereupon the President declared **H 362** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 392** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 392** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 392 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 27.

NAYS--Brandt, Burkett, Kelly, Langhorst, Malepeai, Marley, Werk. Total - 7.

Absent and excused--Gannon. Total - 1.

Paired and voting included in roll call:

AYE - Andreason NAY - Malepeai

Total - 35.

Whereupon the President declared **H 392** passed, title was approved, and the bill ordered returned to the House.

Moved by Senator Bunderson, seconded by Senator Stennett, that a statement of legislative intent be spread upon the pages of the Journal. The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Bunderson, Stennett, and Werk.

The question being, "Shall the statement of legislative intent be spread upon the pages of the Journal?"

Roll call resulted as follows:

AYES--Bunderson, Goedde, Hill, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 9.

NAYS--Brandt, Broadsword, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher (Fulcher), Geddes, Jorgenson, Kelly, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 24.

Absent and excused--Andreason, Gannon. Total - 2.

Total - 35.

Whereupon the President declared that the motion to spread the intent language upon the pages of the Journal did not prevail.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

April 6, 2005

The JUDICIARY AND RULES Committee reports that **S 1183**, as amended in the House, **S 1239**, and **S 1240** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1183**, as amended in the House, **S 1239**, and **S 1240**, and ordered them transmitted to the House for the signature of the Speaker.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

April 6, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed and am transmitting to the Secretary of State the following signed Senate Bills, to wit:

S 1062, as amended, as amended in the House,
S 1086, as amended, **S 1104**, **S 1163**, as amended,
S 1164, as amended, as amended in the House,
S 1179, as amended in the House, **S 1180**, **S 1189**,
S 1192, **S 1196**, **S 1210**, **S 1211**, **S 1212**, **S 1213**,
S 1214, **S 1215**, **S 1216**, **S 1217**, **S 1220**, **S 1224**,
S 1225, **S 1228**, **S 1230**

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On request by Senator Davis, granted by unanimous consent, the President appointed a committee consisting of Senator Bunderson, Chairman, and Senators Jorgenson and Burkett to notify the House of Representatives that the Senate had completed its business and was ready to adjourn *Sine Die*.

The President excused the committee.

On request by Senator Davis, granted by unanimous consent, the President appointed a committee consisting of Senator Hill, Chairman, and Senators Compton and Kelly to notify the Governor that the Senate had completed its business and was ready to adjourn *Sine Die*.

The President excused the committee.

The committee appointed to wait upon the Governor returned and reported that it had delivered the President's message. The committee conveyed the Governor's message to the President and the members of the Senate.

The President thanked and discharged the committee.

The committee appointed to wait upon the House of Representatives returned and reported that it had delivered the President's message. The committee conveyed the Speaker's message to the President and the members of the Senate.

The President thanked and discharged the committee.

On request by Senator Davis, granted by unanimous consent, the Sergeant at Arms was ordered to retrieve the Idaho State flag that had been raised over the Senate Dome during the First Regular Session of the Fifty-eighth Legislature of the State of Idaho.

On motion by Senator Davis, seconded by Senator Kelly, by voice vote the Senate of the First Regular Session of the Fifty-eighth Legislature of the State of Idaho adjourned *Sine Die* at 4:54 p.m., April 6, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

[NOTE: The following is action received and recorded after Senate *Sine Die*:]

April 6, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1160 and **S 1197**, as amended

Sincerely,
/s/ Dirk Kempthorne
Governor

April 7, 2005

Enrolled **S 1158**, as amended, as amended in the House, was delivered to the Governor at 1 p.m., April 7, 2005.

April 7, 2005

Enrolled **S 1183**, as amended in the House, **S 1239**, and **S 1240** were returned from the House signed by the Speaker, and delivered to the Governor at 1 p.m., April 7, 2005.

April 7, 2005

Enrolled **H 254**, as amended in the Senate, **H 150**, as amended in the Senate, **H 373**, as amended, **H 374**, as amended, **H 394**, **H 399**, **HCR 29**, **H 401**, **H 402**, **H 361**, **H 362**, and **H 392** were received from the House signed by the Speaker, signed by the President, and returned to the House.

S 1170, as amended, **S 1173**, as amended, **S 1183**, as amended in the House, **S 1191**, as amended, **S 1229**, **S 1231**, **S 1232**, **S 1233**, **S 1234**, **S 1235**, and **S 1237**

Sincerely,
/s/ Dirk Kempthorne
Governor

April 11, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1158, as amended, as amended in the House,
S 1238, **S 1239**, and **S 1240**

Sincerely,
/s/ Dirk Kempthorne
Governor

April 15, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1171, as amended

Sincerely,
/s/ Dirk Kempthorne
Governor

CERTIFICATE

April 12, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1198 and **S 1236**

Sincerely,
/s/ Dirk Kempthorne
Governor

State of Idaho)
)
Senate Chamber, Boise, Idaho)

We, JAMES E. RISCH, President of the Senate, and JEANNINE WOOD, Secretary of the Senate, do hereby certify and attest as follows:

That the daily Senate Journal of the proceedings of April 6, 2005, the Eighty-seventh Legislative Day, has been read and approved;

And, said Journal contains a true, complete, and accurate record of all Senate proceedings of said day, including final actions by the House of Representatives and the Governor of the State of Idaho, as statutorily mandated.

IN WITNESS WHEREOF, we have hereunto set our hand this 20th day of April, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary

April 14, 2005

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit: